

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Terron Gerhard Dizzley,) C/A No. 8:19-cv-02665-SAL-JDA
)
)
Plaintiff,)
)
)
v.) **OPINION & ORDER**
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)
Sgt. Pate, Ms. Green, Officer Brown,)
Off. Thorn, Ms. Brown, Off. Cleveland,)
Off. Martin, Ms. Jackson, Officer)
Nethertan, Officer Parish, Officer Smith,)
Warden Anabinet, Regional Director Davis,)
Reginald L. Weston, Miracle D. Davenport,)
Brittany M. Livingston,)
)
)
Defendants.)
)
_____)

This matter is before the court for review of the April 21, 2020 Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin (the “Report”), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). In the Report, the Magistrate Judge recommends denying Plaintiff’s motion or renewal of TRO and preliminary injunction. [ECF No. 69.] Plaintiff was advised of his right to file objections to the Report. *Id.* No party filed objections to the Report, however, and the time for response has lapsed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, Plaintiff’s motion for renewal of TRO and preliminary injunction, ECF No. 41, is **DENIED**.

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

May 14, 2020
Florence, South Carolina